

Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
Permit Number: P-3868-01-11-S

## STATE OF ALABAMA

### SURFACE MINING COMMISSION

- (XX) Transfer Application for a Surface Coal Mine  
( ) Transfer Application for an Underground Coal Mine  
( ) Transfer Application for a Preparation Facility

**NAME OF CURRENT PERMITTEE:** Job Land & Mineral, Inc.

**ADDRESS:** 378 Old Dora Road Phone 205-915-3289  
Sumiton, AL 35148

#### **PART I A. IDENTIFICATION**

##### **1. PERMIT APPLICANT**

Name: RAC Mining, LLC  
Street Address: 378 Old Dora Road  
City: Sumiton State: AL Zip: 35148  
Mailing Address: P.O. Box 415  
City: Dora State: AL Zip: 35062  
Telephone Number: (205) 915-3289  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: 27-1360540  
ASMC License#: Pending

##### **2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES**

Name: Applicant  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone Number: (\_\_\_\_\_) \_\_\_\_\_  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License#: \_\_\_\_\_

##### **3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE**

Name: Applicant  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone Number: (\_\_\_\_\_) \_\_\_\_\_  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License#: \_\_\_\_\_

##### **4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE**

Name: Leslie G. Stephens c/o PERC Engineering Co., Inc.  
Mailing Address: Post Office Box 1712  
City: Jasper State: AL Zip: 35502-1712  
Telephone Number: (205) 295-3127

Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
Permit Number: P-3868-01-11-S

**PART I B. OWNERSHIP AND CONTROL**

**1. PERMIT APPLICANT OWNERSHIP AND CONTROL.**

At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

☐

A license update is included

☒

Information contained in the license file is accurate and complete at the time of filing of this application.  
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

**2. OPERATOR OWNERSHIP AND CONTROL.**

If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

**Not Applicable**

☐

A license update is included

☐

Information contained in the license file is accurate and complete at the time of filing of this application.  
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

**3. CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED.**

Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who by lease, sublease, or other contract:

- A. has the right to receive the coal after mining, or,  
B. has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

Name: Not Applicable

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_-\_\_\_\_

Social Security Number (Voluntary): \_\_\_\_-\_\_\_\_-\_\_\_\_

Employer Identification Number: \_\_\_\_\_

ASMC License#: \_\_\_\_\_



Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
Permit Number: P-3868-01-11-S

**PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS**

**1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY.**

INSTRUCTIONS: Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:

1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property;
2. The holders of record of any leasehold interest in the property; and,
3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

**USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY**

Page 1 of 4

Legal description of property or permit map symbol: \_\_\_\_\_  
Parker Towing Company, Inc. (S)  
Surface/Mineral/or Fee Simple (both): Surface  
Legal owner(s) of record: Parker Towing Company, Inc.  
Address: P.O. Box 20908 City: Tuscaloosa State: AL Zip: 35402  
Holders of leasehold interest: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Purchasers under a real estate contract: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Description of right to enter or mine:  
Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Parker Towing Company, Inc.	RAC Mining, LLC.	08/03/04	No

Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
Permit Number: P-3868-01-11-S

PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: BASTO, LLC.(S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: BASTO, LLC.

Address: 378 Old Dora Road City: Sumiton State: AL Zip: 35148

Holders of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	BASTO, LLC.	RAC Mining, LLC.	02/04/05	No

Legal description of property or permit map symbol: International Paper (M)

Surface/Mineral/or Fee Simple (both): Mineral

Legal owner(s) of record: International Paper

Address: P.O. Box 4258 City: Houston State: TX Zip: 77210

Holders of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	International Paper	RAC Mining, LLC.	02/18/05	No



Applicant: RAC Mining, LLC  
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PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: William R. Parker (M)

Surface/Mineral/or Fee Simple (both): Mineral

Legal owner(s) of record: William R. Parker

Address: 5188 Crowley Drive City: Birmingham State: AL Zip: 35210

Holders of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	William R. Parker	RAC Mining, LLC.	06/24/04	No

Legal description of property or permit map symbol: Sumiton Coal, LLC. (M)

Surface/Mineral/or Fee Simple (both): Mineral

Legal owner(s) of record: Sumiton Coal

Address: 3940 Montclair Road, Suite 401 City: Birmingham State: AL Zip: 35213

Holders of leasehold interest: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchasers under a real estate contract: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Purchase	West Jefferson Minerals, LLC.	Sumiton Coal, LLC.	06/26/06	No
Lease	Sumiton Coal, LLC.	RAC Mining, LLC.	06/26/06	No

Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
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PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: West Jefferson Mineral, LLP. (M)  
Surface/Mineral/or Fee Simple (both): Mineral  
Legal owner(s) of record: West Jefferson Mineral, LLC. : Attention Land Dept.  
Address: P.O. Box 1549 City: Jasper State: AL Zip: 35502  
Holders of leasehold interest: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Purchasers under a real estate contract: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Description of right to enter or mine:  
Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	West Jefferson Mineral, LLP.	RAC Mining, LLC.	10/17/08	No

Legal description of property or permit map symbol: University of Alabama (FEE)  
Surface/Mineral/or Fee Simple (both): Fee Simple  
The University of Alabama, Board of Trustees  
Address: P.O. Box 870106 City: Tuscaloosa State: AL Zip: 35401  
Holders of leasehold interest: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Purchasers under a real estate contract: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Description of right to enter or mine:  
Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	University of Alabama	RAC Mining, LLC.	8/25/09	No



Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
Permit Number: P-3868-01-11-S

PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED  
INSTRUCTIONS:

Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS AS NECESSARY IN THE FORMAT BELOW

PAGE 1 of 1

Name: Parker Towing Company, Inc.  
Address: P.O. Box 20908  
City: Tuscaloosa State: AL Zip: 35402  
Interest owned (Surface, Coal or Fee Simple): Surface  
Type of Interest (Owner, Lease, or Other): Owner

Name: International Paper  
Address: P.O. Box 4258  
City: Houston State: TX Zip: 77210  
Interest owned (Surface, Coal or Fee Simple): Surface  
Type of Interest (Owner, Lease, or Other): Owner

Name: BASTCO LLC.  
Address: 378 Old Dora Road  
City: Sumiton State: AL Zip: 35148  
Interest owned (Surface, Coal or Fee Simple): Surface  
Type of Interest (Owner, Lease, or Other): Owner

Name: William R. Parker  
Address: 5188 Crowley Drive  
City: Birmingham State: AL Zip: 35210  
Interest owned (Surface, Coal or Fee Simple): Mineral  
Type of Interest (Owner, Lease, or Other): Owner

Name: Sumiton Coal, LLC.  
Address: 3940 Montclair Road, Suite 401  
City: Birmingham State: AL Zip: 35213  
Interest owned (Surface, Coal or Fee Simple): Mineral  
Type of Interest (Owner, Lease, or Other): Owner

Name: West Jefferson Mineral, LLP.  
Address: P.O. Box 1549  
City: Jasper State: AL Zip: 35502  
Interest owned (Surface, Coal or Fee Simple): Mineral  
Type of Interest (Owner, Lease, or Other): Owner

Name: University of Alabama  
Address: P.O. Box 870106  
City: Tuscaloosa State: AL Zip: 35401  
Interest owned (Surface, Coal or Fee Simple): FEE  
Type of Interest (Owner, Lease, or Other): Owner

Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
Permit Number: P-3868-01-11-S

**PART I D. PERMIT AREA INFORMATION**

1. Give the requested term of this permit: 5 years.
2. Give the acreage of the permit, each increment and the type of bonding.
  - a. Total permit acreage: 160 acres.
  - b. Give the acreage and type of bond for each mining increment:

<u>Increment</u>	<u>Acres</u>	<u>Type Bond Proposed</u>
1.	<u>68</u>	<u>Certificate of Deposit</u>
2.	<u>0</u>	<u>NA</u>
3.	<u>12</u>	<u>Certificate of Deposit</u>
4.	<u>22</u>	<u>Certificate of Deposit</u>
5.	<u>39</u>	<u>Certificate of Deposit</u>
6.	<u>19</u>	<u>Certificate of Deposit</u>

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Increment No. 1
3. Has any acreage in the proposed permit area been previously disturbed by mining? (XX)YES ( )NO

If yes, supply the following for any and all previously disturbed areas:

- a. Show the boundaries of the previously disturbed area(s) on the permit map and identify with an appropriate symbol.
- b. List, for each area, the permit number under which it was disturbed and the number of acres. Indicate the status of each permit as Unreleased, Grading released, or 100% released. (If no permit, indicate as such)

<u>Permit</u>	<u>Acres</u>	<u>Status</u>
<u>Pre-law</u>	<u>53.0</u>	<u>Unreclaimed</u>
<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>

- c. For each area which has not been reclaimed or received a 100% release, indicate whether you intend to assume responsibility for reclamation of the area under this permit and its performance bond(s)

RAC Mining, LLC will accept the reclamation responsibility for the previously disturbed areas which they redisturb.



Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
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**PART I D. (CONTINUED)**

4. List all other licenses and permits required to conduct mining operations including, but not limited to, MSHA I.D. and NPDES. Give the identification or permit number, the name and address of the issuing authority, and the status or date of approval or issuance of each:

Permit	ID or Permit Number	Issuing Authority	Address	Status or date of issuance
<u>MSHA ID</u>	<u>01-03332</u>	<u>MSHA</u>	<u>*</u>	<u>Issued 9-13-05</u>
<u>NPDES</u>	<u>AL0077194</u>	<u>ADEM</u>	<u>**</u>	<u>Issued 3-01-05</u>

\* 135 Gemini Circle, Suite 213, Birmingham, AL 35209

\*\* 1400 Coliseum Blvd., Montgomery, AL 36110-2059

5. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application? ( ) YES (XX) NO  
If YES, list SOAP I.D. Number: \_\_\_\_\_

6. Submit a certificate of proof of Liability Insurance with this application.

See ASMC Master Insurance File

**PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION**

12. Give the name of the approved public office in which a copy of this application will be filed for public inspection following notification of completeness: \_\_\_\_\_  
ASMC website <http://surface-mining.alabama.gov/PermitApplications.html>
13. Enclose a copy of the notice of filing of this application which will appear in a newspaper of general circulation in the vicinity of the mine and identify the name of the newspaper: See Attachment I.E.13. to appear in the Birmingham News.

**PART 6: VERIFICATION OF APPLICATION**

- (a) One copy must be original

Applicant: <u>RAC Mining, LLC</u> Mine Name: <u>Powhatan Mine</u> Permit Number: <u>P-3868-01-11-S</u>
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Attachment I.E.13.

NOTICE OF APPLICATION TO TRANSFER  
A SURFACE COAL MINING PERMIT

RAC Mining, LLC, P.O. Box 415, Dora, Alabama 35062, hereby gives notice that it has filed application to succeed by transfer to the rights granted under Alabama Surface Mining Commission Permit P-3868-01-11-S currently held by Job Land & Mineral, Inc., 378 Old Dora Road, Sumiton, Alabama 35148. This operation is known as the Powhatan Mine and is located in SE/NW, SW/NW, NE/SW, NW/NE, NE/NE, SW/NE, SE/NE, NW/SE, all located within Section 6, Township 17 South, Range 5 West, Jefferson County, Alabama. A copy of the permit revision application is available for public inspection at the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov/PermitApplications.html>. Written comments, objections, or requests for informal conferences should be submitted to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, within 30 days from the last publication of this notice.



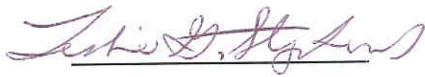
## AGREEMENT

This agreement is entered into this date by Job Land & Mineral, Inc. and RAC Mining, LLC., in order to effect a transfer of Alabama Surface Mining Commission ASMC Permit No. P-3868-01-11-S and the responsibility, bond coverage, and liability thereunder from Job Land & Mineral, Inc. to RAC Mining, LLC.

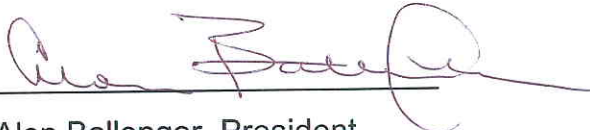
On the date such transfer becomes effective, RAC Mining, LLC agrees to assume the responsibility, bond coverage, and liability of ASMC Permit No. P-3868-01-11-S and Job Land & Mineral, Inc. agrees to relinquish all rights which it may have under said permit.

This agreement is entered into by parties this 17 day of August, 2010. Said transfer is to become effective on the effective date that ASMC approves this transfer.

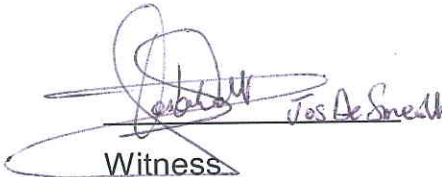
Job Land & Mineral, Inc.




Witness

BY:   
Alon Ballenger, President

RAC Mining, LLC.

  
Witness

BY:   
Tim Bergen, Chairman of the Board

Applicant: RAC Mining, LLC  
Mine Name: Powhatan Mine  
Permit Number: P-3868-01-11-S

Part VI - Verification of Permit Application (771.27)

For new Permit ( ) Transfer (X) Renewal ( )

I, the undersigned operator and holder of an ASMC license, do hereby submit this as my application for a permit to engage in surface coal mining operations and certify that the information in the application is true and correct to the best of my information and belief. This application is submitted in conformance with the rules and regulations of the Commission and it is agreed that any operations pursuant to the permit will be conducted in accordance with those rules and regulations. I further certify that I will keep the Commission advised of any change of facts as may pertain to the license information or this permit application.

RAC Mining, LLC.  
Permittee:

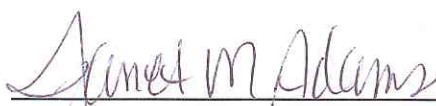
License No. Pending

By:   
Alon Ballenger, CEO

STATE OF ALABAMA     )  
                                      )  
JEFFERSON COUNTY    )

Before me, the undersigned authority, personally appeared Alon Ballenger, who being duly sworn upon oath, deposed and said, that he has read the foregoing application, that he is the responsible official of the applicant who executed the application, that the facts and matters contained therein are true and correct to the best of his information and belief, and that he executed the same for the purposes therein expressed.

Sworn to and subscribed before me, this 26<sup>th</sup> day of July, 2010.

  
Notary Public  
5-19-2014  
Commission Expires

